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22 *Attorneys for the Chapter 11 Debtors and
23 Debtors In Possession*

24 **UNITED STATES BANKRUPTCY COURT
25 EASTERN DISTRICT OF WASHINGTON**

26 In re:

27 Chapter 11
28 Lead Case No. 19-01189-11
29 Jointly Administered

30 ASTRIA HEALTH, *et al.*,

31 **NOTICE OF APPEAL**

32 Debtors and Debtors
33 in Possession.¹

34 _____
35 ¹ The Debtors, along with their case numbers, are as follows: Astria Health (19-
36 01189-11), Glacier Canyon, LLC (19-01193-11), Kitchen and Bath Furnishings,
37 LLC (19-01194-11), Oxbow Summit, LLC (19-01195-11), SHS Holdco, LLC (19-
38 01196-11), SHC Medical Center - Toppenish (19-01190-11), SHC Medical Center -
39 Yakima (19-01192-11), Sunnyside Community Hospital Association (19-01191-
40 11), Sunnyside Community Hospital Home Medical Supply, LLC (19-01197-11),
41 Sunnyside Home Health (19-01198-11), Sunnyside Professional Services, LLC (19-
42 01199-11), Yakima Home Care Holdings, LLC (19-01201-11), and Yakima HMA
43 Home Health, LLC (19-01200-11).

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44 **NOTICE OF APPEAL**

45 113069292V-2

1 Under Fed. R. Bankr. P. 8003, Astria Health, a Washington nonprofit public
2 benefit corporation (“Astria”), and the above-referenced affiliated debtors and
3 debtors in possession (the “Debtors”) under chapter 11 of title 11 of the United
4 States Code, §§ 101 *et seq.* (the “Bankruptcy Code”),² in these chapter 11 cases (the
5 “Chapter 11 Cases”), by and through the undersigned counsel of record, appeals
6 under 28 U.S.C. § 158(a) the *Order Granting Motion for Relief From the Automatic*
7 *Stay* [Dkt. No. 519] (the “Order”), entered by the bankruptcy court on August 20,
8 2019. A copy of the Order is attached here as **Exhibit A**.

Part 1: Identify the appellant(s)

11 1. Name of appellant: Astria Health and the above-referenced affiliated
12 debtors and debtors in possession

13 2. Position of appellant in the adversary proceeding or bankruptcy case
14 that is the subject of this appeal:

² All references to § herein are to sections of the Bankruptcy Code. All references to “Bankruptcy Rules” are to provisions of the Federal Rules of Bankruptcy Procedure. All references to “LBR” are to provisions of the Local Bankruptcy Rules of the United States Bankruptcy Court for the Eastern District of Washington (the “Bankruptcy Court”).

1 For appeals in an adversary proceeding. For appeals in a bankruptcy case and not in an
2 adversary proceeding.

<input type="checkbox"/> Plaintiff	<input checked="" type="checkbox"/> Debtor
<input type="checkbox"/> Defendant	<input type="checkbox"/> Creditor
	<input type="checkbox"/> Trustee

4

5 **Part 2: Identify the subject of this appeal**

6 1. Describe the judgment, order, or decree appealed from: Order Granting
7 Motion for Relief From the Automatic Stay [Docket No. 519]

8 2. State the date on which the judgment, order, or decree was entered:
9 August 20, 2019

10 **Part 3: Identify the other parties to the appeal**

11 List the names of all parties to the judgment, order, or decree appealed from
12 and the names, addresses, and telephone numbers of their attorneys (attach
13 additional pages if necessary):

14 1. Party: David Becerril

15 Attorney: Metiner G. Kimel
16 Kimel Law Offices
17 205 N. 40th Ave., Ste 205
18 Yakima, WA 98908
19 Phone: (509) 452-1115

20 **Part 4: Optional election to have appeal heard by District Court**

21 If a Bankruptcy Appellate Panel is available in this judicial district, the
22 Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. §

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NOTICE OF APPEAL

113069292V-2

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1 158(c)(1), a party elects to have the appeal heard by the United States District
2 Court. If an appellant filing this notice wishes to have the appeal heard by the
3 United States District Court, check below. Do not check the box if the appellant
4 wishes the Bankruptcy Appellate Panel to hear the appeal.

5 Appellant elects to have the appeal heard by the United States District
6 Court rather than by the Bankruptcy Appellate Panel.

Part 5: Sign below

10 || Signature of attorney for appellants

Date: 8/27/19

11 Name, address, and telephone number of attorney:

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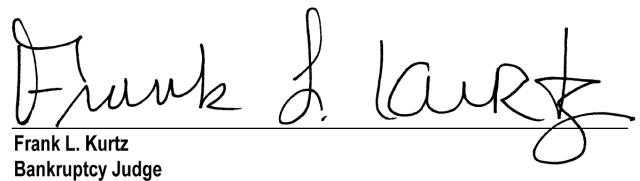
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EXHIBIT A

So Ordered.

Dated: August 20th,
2019




Frank L. Kurtz
Bankruptcy Judge

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14 Attorney for the David Becerril

15 UNITED STATES BANKRUPTCY COURT
16 EASTERN DISTRICT OF WASHINGTON

17 In re: ASTRIA HEALTH,
18 Debtor.

19 Case No. 19-01189 (Administratively
20 Consolidated)
21 **ORDER GRANTING MOTION FOR
22 RELIEF FROM THE AUTOMATIC
23 STAY**

24 The matter of the Debtor's **MOTION FOR ANNULMENT AND RELIEF FROM THE**
25 **AUTOMATIC STAY** came before the court for hearing on August 15, 2019 at 1:30 p.m. after
26 shortened notice and opportunity for hearing. Astria objected to the motion [Docket No. 475]
Appearances for Dr. Becerril and Astria were as noted in the record. Based upon the Motion, all
pleadings and papers and documents on file in the Chapter 7 case, the argument provided by
counsel and the hearing, and having found that proper notice was provided of the motion, the
Court now ORDERS:

27 1. The motion is granted;

28 In re Astria Health; Case No. 19-01189
Order Granting Motion to Annul Automatic Stay.

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2. The automatic stay is lifted to allow Dr. David Becerril to exercise his contractual rights to terminate his employment contract with the Debtor without cause on providing 90 days' notice to the Debtor.

/// End of Order ///

Presented by:
/s/ Metiner G. Kimel
Attorney for Debtor(s)
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